IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.165 OF 2006

In

NOTICE OF MOTION NO.3348 OF 2004

In

SUIT NO.1118 OF 2004

Nitin Tukaram Gavankar : Plaintiff

V/s.

Vrutta Manas & Ors. : Defendants

...

Mr.K.K.Pandey for the plaintiff.

None present for the defendants.

...

CORAM : S.A.BOBDE, J.

DATE : JANUARY 15, 2007.

P.C.

Heard.

2. This Notice of Motion is for restoration of Notice of Motion no.3348 of 2004 which was dismissed for non-appearance of the plaintiff and his Advocate. The affidavit-in-support states that the Advocate could not appear before this Court on 14.10.2005 due to personal difficulty when the Notice of Motion was dismissed for

default. The affidavit in support of the Notice of Motion is not controverted by any affidavit-in-reply. In the circumstances, it is appropriate in the interest of justice to restore the Notice of Motion.

3. Accordingly, this Notice of Motion for restoration of Notice of Motion no.3348 of 2004 is allowed. Notice of Motion no.165 of 2006 stands disposed of.

S.A. BOBDE, J.